IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 17TH AUGUST 2007 / 26TH SRAVANA 1929

Bail Appl..No. 5014 of 2007()

CRLMC.1685/2007 of D.C & SESSIONS COURT,TRIVANDRUM
CMP.5732/2007 of J.M.F.C.-II,NEYYATTINKARA
CRIME NO.68/07 OF THIRUVALLOM POLICE STATION

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: PETITIONER/4TH ACCUSED:

SATHAR, S/O. ABUBACKER,
THENAVILA VEEDU, TC.65/13, PUNCHAKARI,
THIRUVALLOM VILLAGE, THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.S.D.ASOKAN

RESPONDENTS: COMPLAINANTS:

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1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. THE SUB INSPECTOR OF POLICE,
THIRUVALLOM POLICE STATION,THIRUVANANTHAPURAM DIST

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.5014 of 2007

Dated this the 17th day of August, 2007

ORDER

Application for regular bail. The petitioner faces allegations under Section 394 I.P.C. The crux of the allegations against the petitioner raised now is that he was one of the 4 accused persons who allegedly planned an operation to commit robbery in the beauty parlour run by the defacto complainant. The alleged incident took place on 15.03.07. Two persons allegedly stormed into the beauty parlour of the defacto complainant, a woman. There she was threatened and intimidated. Her gold chain was snatched and the miscreants went away on a two wheeler. Crime was promptly registered. Investigation progressed.

2. While so, two accused persons were arrested under suspicious circumstances and their interrogation revealed the complicity of those two persons as well as two others including the petitioner in the crime that took place in the beauty parlour of the defacto complainant. It was revealed that while two miscreants trooped into the beauty parlour of the defacto complainant, two others who had come there in a car were waiting outside. The petitioner is allegedly one of those two persons who had come to the scene of the

crime in a car and was waiting outside. The petitioner was arrested on 18.06.07. He continues in custody from that date.

3. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. Initial allegations in the crime do not at all reveal the involvement of any persons other than the two persons who stormed into the beauty parlour of the defacto complainant. Subsequently after arrest of the two accused persons under suspicious circumstances totally false allegations are being raised now to include 2 more accused and it is now alleged that they were waiting outside in the motor car when the incident had taken place. The learned counsel for the petitioner in these circumstances prays that the petitioner who has remained in custody from 18.06.07 may now be enlarged on bail subject to appropriate conditions.

4. The learned Public Prosecutor opposes the application. The allegations are serious and grave. There are no reasons to suspect the versions of the arrested accused in their confession statements as also the subsequent statement of the defacto complainant that two miscreants including the petitioner were available outside the building in a car when two of the accused persons went into her beauty parlour. Having considered all the relevant inputs, I find merit in the opposition by the learned Public Prosecutor.

I am satisfied that in a serious crime like this, the investigator must be granted some further time to complete the investigation.

This application for regular bail is, in these circumstances, dismissed, but with the observation that the petitioner shall be at liberty to move the learned Sessions Judge or this Court for bail again at a later stage of the investigation - not, at any rate, prior to 31.08.07. The investigator shall in the meantime make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

rtr/-